



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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April 27, 2010

To: Supervisor Gloria Molina, Chair  
Supervisor Mark Ridley-Thomas  
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Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

## SACRAMENTO UPDATE

This memorandum includes pursuits of County positions on two bills regarding the Los Angeles River and extended producer responsibility.

### Pursuit of County Position on Legislation

**AB 1818 (Blumenfield)**, as amended on April 19, 2010, would create the Upper Los Angeles River and Watershed Protection Program (Program), to be administered by the Santa Monica Mountains Conservancy (Conservancy), to address the resource protection, public recreation, water conservation, and water quality goals of the Los Angeles River watershed in a coordinated and comprehensive way, and establish the Program Stakeholder Advisory Committee (Advisory Committee), with specified membership and certain duties regarding proposing and reviewing projects for funding.

Specifically, AB 1818 would: 1) add the chair of the Advisory Committee to the Conservancy board, with the authority to vote only on a project within the Upper Los Angeles River Watershed; 2) allow the inclusion within the Program all projects identified by the County of Los Angeles in the LA River Master Plan (Master Plan); 3) allow the inclusion within the Program all projects identified by the City of Los Angeles in its LA River Revitalization Master Plan (LARRMP); and 4) allow the inclusion within the Program any other project that may be recommended by the Advisory Committee and approved by the Conservancy, or any other project that may

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be recommended by the Conservancy. Regardless of the source, all of the projects must be consistent with the San Gabriel and Los Angeles River Watershed and Open Space Plan.

The new Advisory Committee will consist of ten voting members and five ex officio members. The ten voting members are as follows:

- Three members of the public, who shall be appointed one each by the Governor, the Speaker of the Assembly, and the Senate Committee on Rules, and all of whom shall be residents within the Upper LA River Watershed and have demonstrated expertise in specified areas;
- Director of the Los Angeles County Department of Public Works, or a designated employee;
- Member of the Board of Supervisors of Los Angeles County, or a designee;
- Los Angeles City Engineer or a designated employee;
- The chairperson of the Los Angeles City Council Ad Hoc Committee on the Los Angeles River, or if that committee ceases to exist, a member of the Los Angeles City Council, to be appointed by the Mayor;
- A member of the city council of a city within the watershed, other than the City of Los Angeles, as determined by the city selection committee. The term of that member is one year, and thereafter another member shall be chosen, with the intent that a rotating membership must include representation from the Cities of La Canada Flintridge, Pasadena, San Fernando, and South Pasadena;
- Secretary of the Natural Resources Agency or his or her employee designee; and
- A member appointed by the Conservancy to represent underserved communities.

The five ex officio members, who will have full rights of participation in the deliberations of the Advisory Committee, but no voting rights, include: 1) the District Engineer of the United States Army Corps of Engineers, or his or her employee designee; 2) the executive officer of the San Gabriel and Lower Los Angeles River Mountains and River Conservancy, or his or her employee designee; 3) the Chairperson of the Los Angeles and San Gabriel Rivers Watershed Council, or his or her employee designee; 4) the

Chairperson of the Los Angeles River Revitalization Corporation; and 5) the Director of the State Department of Parks and Recreation, or an employee designee.

The Advisory Committee is required to: 1) encourage public participation in the development of projects along the Upper Los Angeles River and Watershed and its tributaries; 2) propose projects for funding by the Program; 3) review and coordinate projects to avoid duplication and to achieve maximum multiple benefits from projects funded by the Program; 4) annually review the Program and solicit nominations of new projects from all affected constituencies and from all portions of the watershed; 5) advise the Conservancy with respect to project funding priorities; and 6) annually report to the Legislature by December 1.

AB 1818 would also: 1) require the Conservancy to fund the implementation of the bill using only existing State fiscal resources; 2) authorize the Conservancy to undertake projects and award grants to an "eligible entity" if they further the objectives of the Program, or are consistent with proposition 84 funding requirements; 3) authorize the Conservancy to approve, disapprove, or condition the approval of a grant or proposed project to better comply with the objectives of the Program; 4) allow the Conservancy to accept donations of any qualified public or private entity that shares the same mission or objectives of the Program, as determined by Conservancy; 5) authorize the Conservancy to acquire real property or any interests in real property; and 6) authorize the Conservancy to award a grant to a qualified nonprofit organization.

An "eligible entity" for grant funding includes a State agency, city, county, joint powers authority, or Section 501(c) (3) nonprofit organization. AB 1818 creates the Program Protection Account within the Conservancy Fund and allows Santa Monica Mountains Conservancy funds in Proposition 50, and Los Angeles and San Gabriel River funds in Proposition 84, as well as future bond revenues, Federal funds and private funding for grants to be transferred into the new Program Protection Account for purposes of the bill.

AB 1818 provides that any authority granted by this bill is in addition to any other power the Conservancy or any other State or local agency may exercise pursuant to any other law, and specifies that it does not affect the jurisdiction or authority of other State or local agencies or districts with regulatory or non-regulatory responsibilities over the Los Angeles River.

The Department of Public Works (DPW) indicates that while they support the overall intent of AB 1818 to promote a coordinated way in addressing the needs of the Los Angeles River, the bill is largely duplicative of existing law. DPW indicates that the Conservancy's existing jurisdiction covers the entirety of the Upper Los Angeles River Watershed, and any new program and planning authority over the Upper Los Angeles

River Watershed would be duplicative to the existing authority the Conservancy has. DPW states that the planning area, governance, applicable planning documents, planning responsibilities, process and project lists in AB 1818 are nearly identical as to what is required in the current Greater Los Angeles Integrated Regional Water Management Plan (IRWMP) process in which the Conservancy can participate.

According to DPW, the State required local planning under the existing IRWMP make AB 1818 largely unnecessary. The Conservancy has the opportunity to participate in the local IRWMP process as an equal member in order to address water resource needs of the Upper Los Angeles River Watershed. The local IRWMP process includes all essential agencies in the water resources community but the separate process and Advisory Committee created in AB 1818 does not include all affected water resources agencies. By using the existing IRWMP, DPW states that no new committees or advisory bodies would be necessary to review and prioritize projects.

Therefore, DPW recommends that the funding of grants to eligible projects under the Program remain, but the process of identifying eligible projects as described in AB 1818 be amended to instead include language requiring that the selection, prioritization and the recommendation of projects for grant award take place in a Department of Water Resources (DWR) certified IRWMP Region. In addition, DPW indicates that AB 1818 would give the Conservancy final approval authority over funding decisions in the Upper Los Angeles River Watershed with little regard to the existing planning efforts required by the IRWMP, and that the Conservancy should work through the IRWMP to address water resource issues. DPW believes that a separate water resource planning effort outside of the existing IRWMP process is unnecessary, and could hinder the regional cooperation of local water resources agencies that has already been in place for several years.

Furthermore, DPW states that AB 1818 is inconsistent with the Department's regional view of the Los Angeles River by addressing only the Upper Los Angeles River Watershed. DPW indicates the bill should be amended to: 1) include the Lower Los Angeles River and San Gabriel River; 2) require the Conservancy to jointly administer all provisions of the bill, including the grant program, with the Rivers and Mountains Conservancy; and 3) include the establishment of one Los Angeles and San Gabriel River Watershed Program to ensure a coordinated and comprehensive approach to address the resource protection, public recreation, water conservation, and water quality goals of the entire Los Angeles River Watershed.

The Department of Public Works recommends that the County support AB 1818, if amended, to: 1) establish one Los Angeles and San Gabriel River Watershed Program; 2) expand the jurisdiction of the bill to include the Lower Los Angeles River and San Gabriel River; 3) require the Conservancy to jointly administer all provisions of the

bill, including the grant program, with the Rivers and Mountains Conservancy and consistent with IRWMP; 4) require that the funding of grants to eligible projects under the Program remain but the process of identifying eligible projects be amended to instead include language requiring that the selection, prioritization and the recommendation of projects for grant award take place in a DWR certified IRWMP Region; and 5) delete the existing provisions which require a separate water resource planning effort outside of the existing IRWMP process and make all funding decisions consistent with the IRWMP process, and on a competitive basis.

Support for AB 1818 is consistent with existing policy to: 1) support measures, which consistent with Board-adopted policies, promote the preservation and restoration of Los Angeles County mountain, bay watershed, river and wetland areas; 2) support legislation to fund the planning, construction, operation, and maintenance of watershed or multi-use projects including integrated water resource projects; 3) support legislation to encourage water conservation and increase the efficiency of water use; 4) support legislation to increase the reliability of State and local water supplies with appropriate infrastructure and equitable funding levels; and 5) allocate competitive grant funds primarily on the basis of population to State recognized Integrated Water Management regions. Support is also consistent with the adoption of the County's Los Angeles River Master Plan. **Therefore, the Sacramento advocates will support AB 1818, if amended, as indicated above.**

AB 1818 is sponsored by the Mountains Recreation and Conservation Authority and supported by Audubon California, Los Angeles Conservation Corps and North East Trees. There is no registered opposition. This measure passed the Assembly Water, Parks and Wildlife Committee on April 13, 2010 by a vote of 9 to 1, with technical amendments. It is currently set for a hearing in the Assembly Appropriations Committee on April 28, 2010.

**SB 1100 (Corbett)**, as amended on April 22, 2010, would: 1) require battery manufacturers, by September 30, 2011, to submit a stewardship plan (plan) to the Department of Resources Recycling and Recovery (CalRecycle) for review; 2) prohibit, on or after January 1, 2012, a producer, wholesaler, or retailer from selling household batteries unless CalRecycle certifies the submitted plan as complete; and 3) establish progressive collection goals for household batteries of 50 percent by 2014, 70 percent by 2017, with the ultimate goal of reaching 95 percent collection.

The bill would also require: 1) battery manufacturers to reimburse local public agencies for the cost of collection of household batteries and/or provide the local public agency with the location, hours, and contact information for the convenient collection points for household batteries that are located within the county where the local agency is located; 2) battery manufacturers to pay an initial plan review fee and subsequent annual

administrative fees to CalRecycle for review of the plans, which would not exceed the cost to administer the bill's requirements; and 3) CalRecycle to post on its internet website a listing of the brands of household batteries for which the producer is in compliance, including if it has achieved the collection rate specified in the plan.

The stewardship plan must include a description of: brands of household batteries covered; annual schedule for achievement of the collection rate; convenient collection opportunities for consumer in all counties of the State, including existing collection points and programs; reuse and recycling rates; roles and responsibilities of key players along the distribution chain; how the producer will notify retailers and wholesalers of the program; financing; and education and outreach activities to maximize collection rates. CalRecycle has 45 days to certify the plan as complete or incomplete and the producer is allowed 45 days to resubmit the plan if deemed incomplete. Battery manufacturers who do not make a good faith effort to create a stewardship plan and comply with the collection goals are subject to a \$5,000 penalty per day until the producer achieves compliance.

The Department of Public Works indicates that local governments and taxpayers are currently bearing the burden of funding the collection of used household batteries and the County has identified the need to further reduce the environmental impacts of improper disposal of batteries. DPW states that SB 1100 will require manufacturer's of household batteries to design, fund, implement and operate a product stewardship program to properly manage their end-of-life in order to sell or distribute their products within the State.

According to DPW, local governments and taxpayers pay an average of \$800 per ton to manage household battery waste and battery manufacturers have no incentive to be concerned about the financial impact that their end-of-life products have on local governments and taxpayers. If enacted, DPW states SB 1100 will alleviate the burden placed on local governments and taxpayers to manage household battery waste and require manufacturers to introduce product stewardship into their business practices. This would help address the \$150,000 plus costs annually for the County to manage household battery waste. DPW recommends that the County support SB 1100.

Support is consistent with existing Board policy to support legislation that places greater emphasis on producer/manufacturer responsibility for the environmental impact of their products and the waste that is produced, and shifts end-of-life management and financial responsibilities from local governments to producers, in order to reduce public costs and encourage improvements in product design that promote environmental sustainability. **Therefore, the Sacramento advocates will support SB 1100.**

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SB 1100 is set for a hearing in the Senate Appropriations Committee on May 3, 2010. This measure is supported by numerous organizations, including: California State Association of Counties; League of California Cities; California Product Stewardship Council; Californians Against Waste; Marine County Board of Supervisors; Napa County; Santa Clara Board of Supervisors; City and County of San Francisco; City of Ventura; City of Riverside; and Sierra Club California. It is opposed by: CalTax; California Chamber of Commerce; Manufacturers and Technology Association; Consumer Specialty Products Association; Grocery Manufacturers of America; National Electrical Manufacturers Association; Advanced Medical Technology Association; PhRMA; and TechAmerica.

We will continue to keep you advised.

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EW:sb

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Legislative Strategist  
Local 721  
Coalition of County Unions  
California Contract Cities Association  
Independent Cities Association  
League of California Cities  
City Managers Associations  
Buddy Program Participants